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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of :

AEROLITE CHROME CORPORATION, AEROLITE
PLATING COMPANY, ARTHUR THOMAS,
MATHEW THOMAS, ARMEN THOMASSIAN,
RICHARD V. ROMERO,

Order No. 88-11

Respondents.

Proceeding under Section 106 of the
Comprehensive Environmental Response,
Compensation and Liability Act of 1980,
as amended by the Superfund Amendments
and Reauthorization Act of 1986,
(42 U.S.C. §9606)

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I. Jurisdiction

This Order is issued to Aerolite Chrome Corporation, Aerolite Plating Company, Arthur Thomas, Armen Thomassian, Mathew Thomas, and Richard V. Romero (Respondents) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, by authority delegated to the Administrator of the United States Environmental Protection Agency (EPA), and redelegated to the EPA Regions.

The Director of the Toxics and Waste Management Division, EPA Region 9, has determined that there may be an imminent and substantial endangerment to the public health, welfare or the environment because of the release and threatened release of hazardous substances from the facility.

II. Findings of Fact

A. Aerolite Chrome Corporation is a corporation organized in 1971 under the laws of Nevada.

B. Aerolite Chrome Corporation owns property at 1000 Telegraph Street, Suites 7 and 8, Reno, Nevada 89502 ("The Site").

Aerolite Plating Company (Aerolite) is operated by a partnership of Aerolite Chrome Corporation (Arthur Thomas, President), Armen Thomassian, Mathew Thomas, and Richard V. Romero.

C. The Site is immediately adjacent to the Reno-Cannon International Airport.

1 D. Part of the Site is utilized by High Sierra Industries, an
2 employer of handicapped workers engaged in manufacturing ac-
3 tivities.

4 E. Prior to 1985, Aerolite discharged industrial waste to the
5 City of Reno's sewer system. In 1985, the City of Reno approved
6 a waste water pretreatment process which eliminated waste water
7 discharges to the city sewer system. Aerolite was required to
8 implement this process and cease discharges to the Reno city
9 sewer system.

10 F. On February 24, 1988, the City of Reno discovered personnel
11 at Aerolite illegally pumping industrial waste water containing
12 hazardous substances into the Reno city sewer system via
13 Aerolite's sanitary sewage line.

14 G. On February 25-26, 1988, EPA representatives inspected the
15 Site.

16 H. During EPA's inspection, a waste water sump was found in the
17 center of a room in which plating operations were conducted and
18 chemicals are stored. The facility is designed such that liquid
19 waste from the plating operations is collected in this sump.

20 Elevated levels of chromium, nickel, copper, 1,1,1 tri-
21 chloroethane (TCA), and cyanide were found in the sump. This
22 waste mixture had a pH of 1, which indicates that the mixture is
23 extremely acidic and corrosive. A mixture of these materials is
24 considered incompatible and can produce effects which are harmful
25 to human health and the environment, such as: 1) heat or pres-
26 sure, 2) fire or explosion, 3) violent reaction, 4) toxic dusts,

- 1 mists, fumes, or gases, or 5) flammable fumes and gases.
- 2 I. A mixture of spent cyanide solutions, such as the ones found
3 at the Site, could when mixed with the acid solutions found at
4 the Site, cause the generation of toxic hydrogen cyanide gas.
- 5 J. TCA was used for degreasing operations at the facility.
6 Treatment of this waste containing TCA requires procedures that
7 are not in use at the Site.
- 8 K. The Aerolite facility contains 25 open vats containing a
9 variety of both extremely acidic and extremely basic solutions.
10 These solutions are extremely corrosive and dangerous to human
11 health.
- 12 L. Liquid releases from the open vats are designed to drain
13 into the central waste water discharge sump. Liquid releases
14 from the vats would create a potentially incompatible mixture,
15 which could result in the effects listed in paragraph H. above.
- 16 M. Evidence of the illegal disposal of waste has been found on
17 adjacent property both north and east of the Site. The EPA in-
18 spection found that soils to the east of the Site contained 50
19 ppm of cyanide. A recently filled-in man-made lake on the east-
20 ern side of the Site was allegedly used as a dump for waste from
21 the Site. This contamination could potentially result in the
22 contamination of ground water and the Truckee River.
- 23 N. Potential risks from the Site include the release of
24 hydrogen cyanide gas, a fire or explosion, domestic well con-
25 tamination, or ground water discharge to the Truckee River.
- 26 O. The population at risk includes workers at the Site, people
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1 at other industrial facilities in the vicinity of the Site, and
2 people traveling in the vicinity of the Site.

3 P. The EPA has designated an On-Scene Coordinator ("OSC") for
4 the facility, pursuant to 40 C.F.R. Part 300, published at 50
5 Fed. Reg. 47912 (November 20, 1985).

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8 **III. Conclusions of Law**

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11 A. Respondents are "persons" as defined in Section 101(21) of
12 CERCLA, 42 U.S.C. §9601(21).

13 B. Respondents are "owners or operators" as defined in Section
14 101(20) of CERCLA, 42 U.S.C. §9601(20).

15 C. The Site is a "facility" as defined in Section 101(9) of
16 CERCLA, 42 U.S.C. §9601(9).

17 D. Spent cyanide solutions, plating bath residues, extremely
18 acidic or basic solutions, degreasing waste containing TCA, and
19 incompatible wastes are "hazardous substances" as defined in Sec-
20 tion 101(14) of CERCLA, 42 U.S.C. §9601(14).

21 E. The disposal of waste water to the city of Reno sewers, the
22 existence of incompatible wastes, and the presence of cyanide in
23 soils adjacent to the site constitute a "release" or "threatened
24 release" of hazardous substances into the environment as defined
25 in Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

26 F. The Respondents owned and/or operated the Site and are
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1 responsible parties as defined in Section 107(a)(3) of CERCLA, 42
2 U.S.C. §9607(a)(3).

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4 **IV. Determinations**

5 Based on the Findings of Facts and Conclusions of Law, the
6 Director, Toxics and Waste Management Division, EPA Region 9, has
7 made the following determinations:

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9 A. The release or threatened release of hazardous substances
10 and pollutants or contaminants from the site may present an im-
11 minent and substantial endangerment to the public health, wel-
12 fare, or the environment.

13 B. In order to prevent or mitigate immediate and significant
14 risk of harm to human health and the environment, an immediate
15 removal action must be undertaken to contain and terminate the
16 release of hazardous substances.

17 C. The removal measures required by this Order are consistent
18 with the National Contingency Plan (NCP), Title 40 of the Code of
19 Federal Regulations, Part 300.

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21 **V. Order**

22 Based upon the Findings of Fact, Conclusions of Law and
23 Determinations, Respondents are hereby Ordered to implement the
24 following measures under the direction of EPA's On-Scene Coor-
25 dinator.

- 1 A. The Respondent shall deny access by any persons not
- 2 authorized by the OSC to the Site. Any persons entering the Site
- 3 must be wearing personal protection equipment approved by the
- 4 OSC.
- 5 B. The Respondent shall immediately provide for a continuous
- 6 (24 hour) security guard at the Site.
- 7 C. Any removal of materials from the Site must be approved by
- 8 the OSC.
- 9 D. Plating operations at the Site shall not be recommenced un-
- 10 til EPA notifies the Respondent that these operations may resume.
- 11 E. Within five (5) calendar days of the effective date of this
- 12 Order, the Respondents shall submit a plan for stabilization of
- 13 the site and cleanup of the sump area. This plan shall include a
- 14 schedule for implementation of the plan, and shall be implemented
- 15 upon approval by EPA.
- 16 F. Within ten (10) calendar days of the effective date of this
- 17 Order, the Respondents shall submit a plan for the characteriza-
- 18 tion of the offsite areas to the north and east of the plant,
- 19 where waste from the site was allegedly disposed of. This plan
- 20 shall include a schedule for implementation of the plan and shall
- 21 be implemented upon approval by EPA.
- 22 G. Upon completion of the off-site characterization, pursuant to
- 23 the plan described in paragraph F. above, Respondents shall
- 24 implement any removal or cleanup actions required by the EPA.
- 25 H. Upon completion of removal activities, as defined by the OSC,
- 26 Respondents shall submit a report documenting removal activities
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performed pursuant to this Order.

VI. Compliance With Other Laws

Respondents shall comply with all federal, state and local laws and regulations in carrying out the terms of this Order. All hazardous substances removed from the facility must be handled in accordance with the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6921, et seq., the regulations promulgated under that Act, and in accordance with 29 C.F.R. 1910.120, the Occupational Safety and Health Act regulations for hazardous waste workers.

VII. On-Scene Coordinator

EPA has appointed an On-Scene Coordinator (OSC) for the Site who has the authority vested in the On-Scene Coordinator by 40 C.F.R. Part 300, et seq.. The On-Scene Coordinator for the purposes of this Order is:

Matthew Monsees
United States Environmental Protection Agency
Region 9
215 Fremont Street
San Francisco, California 94105
(415) 974-8133

VIII. Submittals

All submittals and notifications to EPA required by

1 this Order or the plans shall be made to the OSC, with copies
2 sent to the contact persons listed below.

3 All approvals and decisions of EPA made regarding the sub-
4 mittals and modifications shall be communicated to Respondents by
5 the Director, Toxics Waste and Management Division or his
6 designee. No informal advice, guidance, suggestions, or comments
7 by EPA regarding reports, plans, specifications, schedules, or
8 any other matter will relieve Respondents of their obligation to
9 obtain formal approvals as required by this Order.

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11 IX. Access

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13 Respondents shall provide EPA employees and other repre-
14 sentatives with complete access to the facility at all times.
15 Nothing in this Order limits any access rights that EPA or other
16 agencies may have pursuant to law.

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18 X. Endangerment During Implementation

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20 The Director, Toxics and Waste Management Division, EPA
21 Region 9, or the OSC as his delegate in monitoring activities at
22 the site, may determine that acts or circumstances (whether re-
23 lated to or unrelated to this Order) may endanger human health,
24 welfare or the environment and may order the Respondents to stop
25 further implementation of this Order until the endangerment is
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1 abated.

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3 XI. Government Not Liable

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5 The United States Government and its employees and other
6 representatives shall not be liable for any injuries or damages
7 to persons or property resulting from the acts or omissions of
8 Respondents, their employees or other representatives caused by
9 carrying out this Order. For the purposes of this Order, the
10 United States Government is not a party to any contract with the
11 Respondents.

12 XII. Noncompliance

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14 A. A willful violation or failure or refusal to comply with
15 this Order may subject Respondents to a civil penalty of up to
16 \$25,000 per day in which the violation occurs or failure to
17 comply continues, pursuant to the provisions of Section 106(b)(1)
18 of CERCLA, 42 U.S.C. §9606(b)(1). Failure to comply with this Or-
19 der without sufficient cause may also subject Respondents to
20 punitive damages of up to three times the total costs incurred by
21 the United States for site response pursuant to Section 107(c)(3)
22 of CERCLA, 42 U.S.C. § 9607(c)(3).

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24 B. EPA may take over the removal action at any time if EPA
25 determines that Respondents are not taking appropriate action.
26 EPA may order additional actions it deems necessary to protect

1 public health, welfare, or the environment.

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XIII. Opportunity to Conf

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XIV. Parties Bound

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XV. Notice of Intent to Comply

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Immediately upon receipt of this Order, Respondents shall orally inform EPA of their intent to comply with the terms of

1 this Order. The oral notice shall be confirmed within two (2)
2 calendar days by written notice to the Director. Failure to
3 timely notify EPA of the Respondents' intent to comply will be
4 construed by EPA as a refusal to comply.

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6 XVI. Notice to State

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8 Notice of the issuance of this Order has been given to the
9 State of Nevada. EPA will consult with the Nevada Department of
10 Conservation and Natural Resources, Division of Environmental
11 Protection, as appropriate, to ensure that the plans submitted by
12 Respondents are consistent with State requirements.

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14 XVII. Effective Date

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16 Notwithstanding any conferences requested pursuant to the
17 provisions of this Order, this Order is effective on the date of
18 execution by the Director, Toxics and Waste Management Division,
19 EPA Region 9.

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IT IS SO ORDERED on this 3 day of March, 1988.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

by: hara H. Yostel for
Jeff Zelikson
Director, Toxics and Waste Management Division
EPA, Region 9

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